

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

## UNITED STATES DISTRICT COURT

for the

APR 19 2019

Southern District of Texas

David J. Bradley, Clerk

United States of America

v.

Gabriela MUNIZ-Cruz

COB: Mexico

YOB: 1976

Case No. M-19-0888-M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 04/18/2019 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC 841

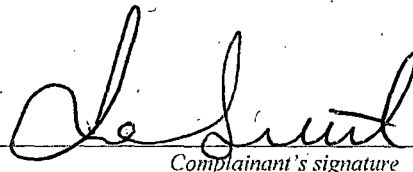
did knowingly and intentionally possess with the intent to distribute  
approximately 15.62 kilograms of heroin a Schedule II controlled substance.

21 USC 952

did knowingly and intentionally import with the intent to distribute  
approximately 15.62 kilograms of heroin a Schedule II controlled substance.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

☒ Continued on the attached sheet.Approved:  
Robert Wills A. AUSA  
4/19/2019

Complainant's signature

Laron Smith, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

April 19, 2019 8:09 am

Judge's signature

City and state:

McAllen, TX

U.S. Magistrate Judge Peter E. Ormsby

Printed name and title

## ATTACHMENT A

This affidavit is intended to establish sufficient probable cause and does not set forth all of my knowledge about this matter.

On April 18, 2019 at approximately 0907 hours, Gabriela MUNIZ-Cruz (Mexican Citizen) while driving a F150 vehicle bearing Mexican license plate # WC7342A, applied for entry into the United States (U.S.) via the Hidalgo, Texas, Port of Entry (POE). A Customs and Border Protection Officer (CBPO) obtained a negative declaration for narcotics and other items and referred MUNIZ to secondary inspection. MUNIZ indicated she purchased the truck approximately one month prior and did not have any mechanical work done. Moreover, MUNIZ indicated nobody else utilizes her vehicle. MUNIZ was referred to secondary inspection.

During the secondary inspection, a Z-Portal scan indicated anomalies within the drive shaft of the vehicle. A CBP K-9 subsequently alerted to the odor of narcotics inside of the drive shaft of the vehicle. CBPOs subsequently discovered 17 brick shaped packages wrapped in plastic containing a substance which field tested positive for heroin.

On April 18, 2019, at approximately 1140 hours, Homeland Security Investigations (HSI) Special Agents (SA) Ali Muhiuddin, SA Laron Smith, and CBPO Edgar Reynoso interviewed MUNIZ, who waived her Miranda Rights in writing. The interview was conducted in the Spanish language and translated by (CBPO) Reynoso. MUNIZ stated the following in summary:

MUNIZ said that her reasoning for crossing the border was to go the flea market to buy a headlight for her vehicle. MUNIZ stated she did not know there were drugs in her vehicle. MUNIZ was asked if the vehicle belonged to her and she advised that she owned it. Insurance documents for the vehicle were in MUNIZ's name. MUNIZ said that she bought the vehicle approximately 3 to 4 weeks ago in Mexico and that no one else had been in possession of the vehicle since buying it but her. MUNIZ was asked if she had any mechanical work done to the vehicle that would cause someone else besides herself to be in possession of the vehicle. MUNIZ said that she had a flat tire approximately a week ago and therefore had to get another tire but that she was near the vehicle the whole time while the repairs were being performed.

The interview was concluded, and MUNIZ was taken back to the holding area.

At approximately 1356 hours, MUNIZ advised (SA) Muhiuddin and (CBPO) Reynoso that she remembered events that had taken place that she did not mention in the interview. MUNIZ was then brought back in for a continuation of the audio recorded interview. MUNIZ said that a friend had asked her to borrow the vehicle to move some furniture on or about April 16, 2019. MUNIZ said that when it was time to pick up the vehicle, her friend sent an unknown male instead. MUNIZ was asked how long she loaned the vehicle to her friend and the unknown male and she advised that they had the vehicle for approximately 2 to 3 hours.

MUNIZ said that she has noticed that her friend had been acting rather strange lately by asking questions such as "where are you, where is the vehicle, and when are you going back to the United States." MUNIZ said that it was a possibility that her friend was involved in the distribution of narcotics but did not know for sure. When asked why MUNIZ would think that was possible,

## ATTACHMENT A

MUNIZ said it was because she always borrows money from her friend who wears flashy and expensive clothing.

The interview was concluded, and MUNIZ was taken back to the holding area.

At approximately 1900 hours, CBPO Reynosa advised that MUNIZ approached him and requested to speak with agents again. At approximately 2002 hours, SA Smith, SA Muhiuddin, and CBPO Reynosa re-interviewed MUNIZ, who waived her Miranda Rights in writing. Agents confirmed MUNIZ voluntarily wanted to share additional information. MUNIZ confirmed she did.

MUNIZ said that she was not completely honest in the beginning due to receiving threats from her friend. MUNIZ said that she and her friend had previously discussed MUNIZ smuggling prescription medication into the U.S., but MUNIZ did not know if anything illegal was inside her vehicle on this occasion as she attempted to enter the United States. MUNIZ said her friend helped her purchase the vehicle that she owned in exchange for her to smuggle medication into the U.S. and to provide transportation to anyone that her friend recommended to drive around in the United States. MUNIZ said that she felt obligated to help her friend because MUNIZ received money and the vehicle from her.

After being directed for inspections today while attempting to enter the U.S., MUNIZ said she contacted her friend via the "Whats App" to let her know that she was being inspected and that CBP was checking her visa. MUNIZ said her friend told her not to mention anyone and if she did, then MUNIZ's family would be harmed. MUNIZ said she attempted to make contact with her friend again via What's App, but her friend blocked MUNIZ. MUNIZ said that she thought maybe she was just smuggling medication but did not think it was drugs such as heroin.